

SEALED

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

July 26, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: NM
DEPUTY

UNITED STATES OF AMERICA

Plaintiff

v

PENNY PONCE, AKA “JEN” (2),

Defendant

SA-21-CR-00449-XR

**GOVERNMENT’S MOTION FOR DETENTION HEARING,
FOR DETENTION, AND FOR CONTINUANCE**

TO THE UNITED STATES MAGISTRATE JUDGE:

The Government, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and pursuant to 18 U.S.C. § 3141, *et. seq.*, moves for pretrial detention of Defendant; for a detention hearing regarding the above-named Defendant; and for a continuance of said hearing. In support of these motions, the Government shows as follows:

I. MOTION FOR DETENTION HEARING

The Government requests that a hearing be set regarding detention pursuant to 18 U.S.C. § 3142(f), as this matter involves one of more of the following:

- ☒ an offense with a maximum sentence of life imprisonment or death
- ☒ a qualifying controlled substance offense with a maximum sentence of 10 years or more
- ☐ a felony offense that involves the possession or use of a firearm (including but not limited to felon in possession of a firearm), destructive device, or any other dangerous weapon
- ☐ a felony offense that is a crime of violence as defined under 18 U.S.C. § 3156(a)(4) to

include a felony offense under 18 U.S.C. chapter 77, 109a, 110 or 117

- ☐ a felony offense that involves a minor victim
- ☐ an offense that involves failure to register as a sex offender under 18 U.S.C. § 2250
- ☒ a serious risk that the Defendant will flee
- ☐ a serious risk that the Defendant will obstruct or attempt to obstruct justice

II. MOTION FOR DETENTION

Grounds for detention. The Government further requests that Defendant be detained pending trial in this case pursuant to 18 U.S.C. §§ 3141(a) and 3142(e), because no condition or combination of conditions will reasonably assure:

- ☒ Defendant's appearance as required
- ☒ the safety of any other person or the community

III. MOTION FOR CONTINUANCE

Three-day continuance. Pursuant to 18 U.S.C. § 3142(f), the Government moves for a three-day continuance of the detention hearing in the matter.

IV. NOTICE OF REBUTTABLE PRESUMPTION IN FAVOR OF DETENTION

Presumption of detention. In addition, the Government gives notice that 18 U.S.C. § 3142(e)(3) establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community, because there is probable cause to believe that Defendant committed:

- ☒ a qualifying controlled substance offense with a maximum sentence of 10 years or more
- ☐ an offense under 18 U.S.C. § 924(c)
- ☐ an offense under 18 U.S.C. chapter 77 for which a maximum term of imprisonment of 20 years or more is prescribed

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ORDER

On this date the Court considered the Government’s Motion to Detain Defendant, and the Court having reviewed said motion finds that it should be **GRANTED**.

IT IS HEREBY ORDERED that the Government’s Motion to Detain Defendant is **GRANTED**.

IT IS FURTHER ORDERED that Defendant’s bond hearing is set for _____ at _____ a.m. / p.m.

SIGNED AND ENTERED on: July 26, 2023.

UNITED STATES MAGISTRATE JUDGE